IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3636 OF 1999

Rohini Ramesh Balang ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. V. Patil for the Petitioner

Mrs. M.P. Thakkar, Assistant Government Pleader,
for Respondents No. 1 and 2.

CORAM: V.G. PALSHIKAR, Ag.C.J., &
D.B. BHOSALE, J.
DATE: DECEMBER 5, 2005.

P.C.:-

1. The petitioner has challenged the action of the respondents in not granting approval to her appointment from July, 1998 on the ground that the post to which she was appointed was liable to be reserved, though isolated, in view of earlier decision of the State.

2. Thereafter, the Supreme Court of India has held that an isolated post cannot be given by rotation. The decision was prior to the appointment of the petitioner. In pursuance of the Supreme Court of India's decision, the Government of Maharashtra issued a Resolution on 13th October, 1998, holding that where there are isolated posts, reservation given by rotation would not be applicable. That being the position, the petitioner is entitled to an approval for her appointment from 13th October, 1998.

3. The petition, therefore, can be disposed of by directing the respondents to approve the service of the petitioner on the basis that she is appointed from 13th October, 1998. Order accordingly. There shall be no order as to costs.